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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/064,742

08/12/2002

Glen E. Roc

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12/12/2005

DVA / PIONEER DIGITAL TECHNOLOGIES
SUITE 200
2355 MAIN STREET
IRVINE, CA 92614

EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,742

Applicant(s)

ROE ET AL.

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

- 1> This action is in response to Applicant's remarks, filed 10.05.2005. Claims 1-69 are presented for further examination.
- 2> This is a final rejection.

Response to Arguments

3> Applicant's arguments have been fully considered but they are not persuasive. With respect to the claims, Applicant is arguing in substance: (a) that the prior art combination of Yun, U.S Patent Publication 2001|0011375, and Kim, U.S Patent No. 6.473.788 is improper, and even if they could be combined, they would still not disclose the claimed invention; (b) that they fail to disclose querying one or more internal states; and (c) they fail to disclose determining if the set-top box can be maintained or repaired remotely.

In regards to (a), Applicant asserts that Yun and Kim cannot properly be combined as Yun teaches away from a GUI implementation because he is directed towards an automated, real-time diagnosis system, and thus does not require the GUI. Contrary to Yun to Applicant's assertions, Yun merely discloses an automated diagnosis system on a real-time basis [0040] and does not expressly teach away from a GUI. This seems an important distinction to notice because Kim discloses a remote maintenance and servicing system that employs both an automated diagnosis system and a GUI-based diagnosis system, suggesting the both implementations can coexist [see Kim, column 11 «lines 4-14» | column 12 «lines 47-65»]. Thus, Kim is introduced as a teaching that supplements the Yun reference; namely that

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a GUI-based diagnosis system would add functionality to Yun for the various benefits suggested by Kim [for example, column 1 «lines 48-56»]. Thus, what is contemplated by the combination is the automated functionality as described in Yun with the GUI-based functionality as described in Kim. The combination is suggested by the fact that Kim has both functionalities can be implemented within a diagnosis system.

In regards to (b) and (c), Applicant's assertions seem contrary to the purpose of Yun and Kim. Both Yun and Kim are directed towards a remote diagnostic system whereby the internal states of the diagnosed device are sent to a remote monitoring computer [see Yun, Figure 11 | 0087; see Kim, column 11 «lines 2-65»]. In Kim, for instance, the technician who submitted the device ID, receives the device information, and is able to remotely maintain or repair the network device according to the received device information [Figure 17 | column 12 «lines 1-7»]. Kim states throughout his disclosure, and even in the title, that the purpose of his invention is to enable remote maintenance and servicing of network devices [see for example, Figures 10, 16 | column 1 «lines 42-56» | claim 1].

4> Based on the preceding remarks, Applicants arguments are not persuasive. The rejections set forth in the previous action, filed 4.5.2005, are maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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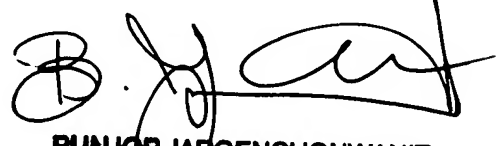
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:00 AM to 5:00 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER